

WAYS AND MEANS

COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on

Thursday, August 3, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman

Legislator Elie Mystal • Vice•Chairman

Legislator Steve Stern

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Gail Vizzini • Director, Budget Review Office

Rich Baker • Deputy Clerk of the Legislature

Ben Zwirn • County Executive's Office

Pat Zielenski • Real Estate Division

Jacqueline Caputi • County Attorney's Office

Christine Malafi • County Attorney

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 10:59 A.M. *)

CHAIRMAN D'AMARO:

Okay. Ladies and gentlemen, good morning. Welcome to the Ways and Means Committee. I'm going to ask you all rise and join in the Pledge of Allegiance led by Legislator Romaine.

Thank you.

SALUTATION

CHAIRMAN D'AMARO:

This morning we do not have any correspondence for the record. Are there any cards for public comment? No cards. No cards this morning. And there are no presentations. So moving right along on the agenda, we'll go to tabled resolutions.

1152 (Directing evaluation of privatization of Suffolk County Off-Track Betting Corporation by the Legislative Office of Budget Review).

LEG. MYSTAL:

I make a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE:6•0•0•0)**

1214, (A Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment and Energy to the Suffolk County Department of Health Services).

LEG. MYSTAL:

I'm going to make a motion to table, because the Commissioner will be here today on the Health and Human Services Committee. We can ask them directly. Is that okay with you, Mr. Romaine?

CHAIRMAN D'AMARO:

Motion by Vice•Chair to table, seconded by Legislator Montano. All in favor? Opposed? Abstentions. **TABLED (VOTE:6•0•0•0).**

1392, (Instituting a six•month moratorium on Local Law 13 Sales).

LEG. MONTANO:

Motion to table.

LEG. MYSTAL:

Second.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to table, seconded by Vice•Chair Mystal. All in favor? Opposed? **TABLED (VOTE:6•0•0•0).**

1395. (A Local Law to amend the Suffolk County Code of Ethics and the Suffolk County Financial Disclosure Law).

LEG. MYSTAL:

I make a motion to table.

CHAIRMAN D'AMARO:

Motion to table, I'll second. Any discussion? All in favor? Opposed? Abstentions? **TABLED (VOTE:6•0•0•0).**

1397, (A Local Law amending the composition of the Suffolk County Space Management Steering Committee).

I will offer a motion to table, is there a second?

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. Legislator Kennedy.

LEG. KENNEDY:

As this is my reso, I will be more than happy to go ahead and be in support of that. I just want to double check, though, from the original filing time frame if there's still an opportunity to go ahead have some discussion and have this resolution live. I don't have it in front of me. Does the Clerk know, are we approaching the six month time period on this.

MR. NOLAN:

September.

LEG. MYSTAL:

September.

LEG. KENNEDY:

It is September, so we have sufficient in the time in next cycle. Okay. Thank you very much.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. There is a motion pending to table. All in favor? Opposed? Abstentions? **TABLED (VOTE:6 •0•0•0).**

1410, (A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors).

LEG. MYSTAL:

Definitely table.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to table, I'll second. Any discussion? Legislator Romaine.

LEG. ROMAINE:

Yes. I'd like to discuss this resolution. I believe I'm a cosponsor with Legislator Schneiderman on this resolution. This resolution is very, very simple resolution. It says if you are a contractor

that does business with the County, \$10,000 worth of business or more, then you are limited to contributing to County candidates \$500. You're not limited from contributing anything. You can still contribute up to \$500, but no more than that if you're doing \$10,000 of business with the County.

Why would anyone oppose this unless there are County candidates that are taking more than \$500 from contractors doing business with this County, \$10,000 worth of business or more. The impression that is left is this government is less than transparent in some of its actions. And in fact, creates the impression that there is an attitude of pay for play, that you have to pay in order to at least get a working agreement. Because I've known people that have had contracts with the County that have run into a tremendous amount of difficulty even after the contract was awarded.

We don't have to go •• we don't have to go any further than the website of The Board of Elections to understand why there may be opposition to this resolution. But I believe this resolution would signal to the public that we are concerned, that we are not interested in squeezing contractors that do business with the County, that we've put a reasonable limit of contributions so we don't limit free space •• excuse me •• free speech, and that we send a very clear signal that we want to reform the way we finance campaigns in Suffolk County.

And there's a lot more that has to be done, and I have no doubt about it. But this is a very small step in that effort. And I would hope, I know there's an effort to table this, I would hope that we take a look at the content of the bill, and it goes right to the heart of governance modern day politics, that we should instead of relying on people who do business, and you look at some elected officials or some candidates accounts, and it's very clear

that the majority of their money is coming from people who do major business with the County.

What impression does that leave? I hope would we think about this before we table this and that we could have a meaningful discussion without banding about anyone's name or accusing anyone, but just look at the content of this bill and what it does. Thank you.

CHAIRMAN D'AMARO:

Legislator Mystal, please.

LEG. MYSTAL:

Thank you, Legislator Romaine. I'm so happy that you are bringing this up. I'm so happy that you are here to do it, even though you were here before and that your party was in command of this Legislature for a long time. It never came up before, so I'm very, very happy that it's coming up at this time.

Number two thing, of th 18 Legislators who are here, I'm probably the one who raised the least amount of money •• as a matter of fact, I don't raise any money. I don't know how to do that. The biggest people who have contract with the County Legislature happen to the Police Department, the AME and various other entities. But yet I don't see their name in that [bill|Bill]. They are the biggest contractors, whether you think they are contractors, they are contractors. And they do contribute a large sum of money to all political parties and to all candidates.

I don't know why I would be sending out contractors, just those who have a little contract with the County to punish them. If you want to have a reform let's do a real reform bill. No contribution from anybody except from your own pocket or from your family, because once you start down that road, we don't have any contributions from contractors who do business with the County, then we move to contractors who do any business in the County, then we move to unions, then we move to agencies. Where does it end?

My thing is that I do not see how this bill is going to help us look better, as you put it, or do governance in the free world, Because unfortunately, even though we sit around here as government officials, we all got here through politics, we all got here through money from different contractors and unions and agencies and everybody else. So that's why that bill to me is not a goal.

CHAIRMAN D'AMARO:

I just want to make two points also, that I know we've discussed this bill previously when its come up, and I think I made the same points that I'm going to make now very quickly. I agree that we do need reform and campaign finance. However, I don't think that a stop•gap or a quick fix solution like this is the way to go. I think we need to do this comprehensively. But it probably needs to be done on the state level, because as Counsel has stated previously on the record, this issue, in fact, this local law is probably preempted by the state, because the state really regulates campaign finance even on the County level. Yes. Legislator Montano.

LEG. MONTANO:

I agree, I think we need a comprehensive reform, but in the remarks that justify this bill, it seems to me, Legislator Romaine, that there is a lot of innuendo in terms of what's behind this bill. And, you know, it's very simple to go to the website, because every campaign contribution is a public record. And rather than these type innuendos, I would be willing to see, you know, what it is you are referring to in •• if you think that there's a major problem here, you should simply put it on the table.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

I'd like to address Elie's remarks and Rick's remarks. I'm not making any innuendos. In fact, I believe everyone in Suffolk County Government, unless i'm informed otherwise, has played by the rules. I want to state that point blank.

Secondly, I did not draft the bill. I support the concept of this bill. I believe that everyone in Suffolk County Government is currently following state and local law as it applies to campaign finance. So any innuendo to that affect, I want to stop right now. There is no innuendo from myself. I don't know about other Legislators, and I can't speak for Legislator Schneiderman.

But I support the concept because I think it gives us at least a way to regulate. Someone mentioned the unions, but the union

is an advocacy group. And, you know, we should think about that down the road, but I'm talking about contractors that have no advocacy other than to do business with the County. The unions advocate different things on behalf of their members. It's a different type of set of relationships, but I'm not opposed to taking a look at that. I don't have that type of bill in front of me. The only bill that I had in front of me was the one that Legislator Schneiderman suggested, and I think it makes sense, because it says, okay, if you're doing a lot of business with the County, you can still contribute, but just limit it to \$500 so there isn't the appearance, and I say appearance of impropriety.

And I want to on the record again, I don't believe that any elected official in Suffolk County or any candidate to my knowledge has committed improprieties at the current time. And if there's and innuendo to that affect, I'm happy to rebut that. That isn't my point. My point is I think that this is not a bad bill, and we should take a look at it. I know it's probably going to tabled, I don't have the votes, but I certainly wanted to speak to the issue. And I won't take up any more time. Thank you.

LEG. KENNEDY:

Mr. Chair, I'd just like to add one more comment. We have discussed this bill at quite length. My own opinion is that it is a step in the right direction as far as trying to go ahead and sever any kind of relationship that may or may not there, whether implied or actual associated with entities that contract with the County and subsequently contribute, regardless of what they do.

The other thing that I'll say is that as for preemption, I personally have raised that issue many, many times before with

many, many other types initiatives or issues that we have addressed. And my impression is that we very rarely ever withdraw in the face of what or may not be an issue of preemption. We seem to go forward regardless of whether or not there is a state scheme, a federal scheme or any other level of government associated with it. If it is legislation that we believe is well minded and legitimately can move in an area that's silent at the other level of government scheme, we generally get behind it and move for it. So I think there is at least a first good step, and I would be happy to talk with the sponsor about revisions, if there would be a willingness on the other side to engage in that dialog. I think it's an initiative whose time has come.

CHAIRMAN D'AMARO:

I think, you know, we can put aside the preemption issue, that's why I stated in addition to the preemption issue, which is a legal issue that attorneys can work out, you know, we should go into a more comprehensive type of reform. And whether or not that's preempted need to be determined down the road. Picking an arbitrary figure of \$500 and saying if we enact this here today, we're sending a strong message about campaign finance reform is just ludicrous. It's not accomplishing anything with respect to campaign finance reform. It may be acknowledging the fact that maybe there's a problem and maybe it needs to be addressed, but it has addressed in a comprehensive fashion, and this bill does not do that.

LEG. ROMAINE:

I'm not sponsor of this, Legislator Schneiderman is. But I'm happy to hear those comments. This is what I would suggest. If campaign finance reform is that interests both caucuses, that each caucus would assign one or two members to meet to begin drafting on a preliminary basis some of the points that Legislator

Mystal made, some of the points that you made, Mr. Chairman, some of the points that Legislator Montano and Legislator Kennedy made, and we sit down and see if there is any common ground. And if we did that, I'd be happy to table this resolution from here to Kingdom Come if we were working on measures that people talked about. But right now, this is the only measure out and no one is talking about this subject at all.

LEG. MYSTAL:

Legislator Romaine, I just want to remind you, I think you were in the Legislature at that time that at that time Legislator Levy, who was a Legislator, who is now our County Executive, when he introduced campaign finance reform in this Legislature it was gutted, derided, and killed by your side.

We have not talked about it because your side has always been opposed to any kind of campaign finance reform. Now, if you want to open the dialog now, if you really want to do some real serious campaign reform, yes, I think my side is very willing to sit down and talk to you and come up with a comprehensive bill, but you may not like it. Because your side has always done that, we start talking and we put something together, and all of a sudden you say, uh•oh, we can't take money from developers, we can't take money from this, we can't take money from that, by the time you look at it •• see we're Democrats, we don't run on money, we run on shoe leather. You guys run on money. You need the money. You spent \$70,000 on your campaign, I spent \$70.

MR. ZWIRN:

We want to know where that money came from.

LEG. MYSTAL:

That money came from me. That's my \$70.

CHAIRMAN D'AMARO:

Mr. Zwirn.

MR. ZWIRN:

With the Chair's permission, I'd like to weigh in on it. The County Executive did submit a bill in 2004, it was a comprehensive campaign finance bill that didn't get very far in the Legislature. We are reworking that bill. It is comprehensive, instead of doing a piece•meal approach, which is what this is.

Now, I just happen to have a campaign filing, a recent one, from a Legislator who happens to be on this panel, and I won't mention names. But if I counted up all the unions that made contributions, I think I could understand why the unions were not included in this particular bill. I'd be glad to read the union names off; AME, Police Conference, the PBA, Suffolk County Detectives Association. I could also read you a list •• I just happened to have it with me, I didn't bring it here, because I didn't know this was going to be debated.

But of companies that have contracts who vote on, not only do you vote on the contracts of the unions, which are the biggest

contracts and the biggest amount of money that you are going to spend, but if I give you a list of the ferries, the consultants and the unions, you will see that this bill is not only hypocrisy, it is not in good faith. This is not a good•faith effort. If you want to do comprehensive finance reform Legislator Romaine, we can start •• we can clean house at home, but let's do it across the board and make it an equal playing field for everybody. Don't grand stand and get a press release out saying we're for campaign finance reform, when you don't have a real bill.

LEG. ROMAINE:

First of all, I'm not sending out any press releases. Secondly, I'm interested in that. Thirdly, I don't think that there's •• if we start talking about your side and my side all this other, we didn't have sides 20 years ago, because we were 18 loose cannons. And maybe that's one of the problems now. And as far as taking money from developers, I returned a check from the Long Island Builders Institute, because I did not take ••

CHAIRMAN D'AMARO:

Let's stick to the issue and the bill at hand. We have had this entire debate 10 times already.

LEG. ROMAINE:

I'd be happy to take a look at things. The one sticking problem that I have, and I wasn't on the Legislature when Steve did his bill, but the one problem that I would have with any campaign finance reform is I think we can regulate ourselves without taxing the taxpayers to do public financing, because I think that •• philosophically, I would opposed to that. But anything short of that, I'd be happy if the caucuses want to sit down, I'd be

happy to participate in that.

With that, I won't raise this issue again, because I'm not here to create an undercurrent of difficulty. I'm here to try to get some real meaningful reform. So if you wish to table this, I will, but I would hope, and I will not mention this again, but I would hope our •• because our caucus is somewhat organized, not as organized as yours and certainly not as fruitful as yours in terms of unification. But I would hope that we could have dialog. And with that, I will drop this issue and leave it to the better nature of our angels of our respective caucuses and hopefully we can reach out to one another.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine.

LEG. MYSTAL:

Is he talking to us?

CHAIRMAN D'AMARO:

All right. Since you promised to never bring it up again, should we table subject to call? There is a motion pending to table. I will call the vote, all in favor? Opposed? **TABLED (VOTE:6•0•0•0).**

1653, (Adopting no frills budget plan to stabilize property

taxes in 2007 by securing Suffolk County's equitable share of Homeland Security funds for MacArthur Airport).

LEG. MYSTAL:

Motion to table subject to call.

LEG. MONTANO:

I'll second it.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to table subject to call, seconded by Legislator Montano. All in favor? Opposed? Abstentions?
Tabled subject to call (VOTE:6•0•0•0).

1730, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the creation of a web fee application (CP 1682.110).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve, I'll second. Discussion?

LEG. KENNEDY:

On the motion.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

It's been a while, I guess, since we've looked at this. Can we just get another explanation from Counsel?

MR. NOLAN:

This authorizes \$125,000 to create a web fee applications to allow electronic submission of fee applications associated with recordable instruments. I think this is at the request of the Clerk, but I would defer to the County Executive's Office on that.

LEG. KENNEDY:

I have the resolution in front of me, and you are correct as far as the Whereas goes. I guess I would just ask Mr. Zwirn then if the Administration is •• I know there's been an awful lot of work between the Clerk's Office and the Administration on coming to

this level. And so all the pieces, the technical pieces are in place for this now to go ahead and be implemented?

MR. BEEDENBENDER:

Brian Beedenbender from the County Exec's Office. The only hold up with this one was we actually had to wait for the pay•as•you•go waiver, so there was some hold up until we could actually do it. But this would effectuate some savings in the Clerk's Office through •• you would know better than we would, because you worked for there. So this would effectuate some savings. So we actually wanted to do this earlier, but we just had to wait a little while to clear up what we were going to do with the pay•as•you•go waivers and all the other money. So now we're ready to go ahead. We've worked with the Clerk's Office, and they've assured us once we pass this resolution they can begin their work.

LEG. KENNEDY:

This is analogous to the City of New York's {ACRA} System, where they're actually online completion of you cover sheet and TP and RP and the balance. And it actually will yield •• should yield quite a bit in the way of savings and increase the percentage of successful filings in the first instance.

MR. BEEDENBENDER:

And more efficiency for the people who are actually doing the work.

LEG. KENNEDY:

Absolutely. So there is a motion.

LEG. MYSTAL:

The motion is to approve.

CHAIRMAN D'AMARO:

I had a quick question. The web fee application, what are you going to be online, what is going to take place online?

LEG. KENNEDY:

Again, through the Chair. Mr. Chair, if I can. Actually Legislator Romaine and I worked extensively on developing this. This is •• if the Chair is familiar with real property practice in the five boroughs in the City of New York, you know that the {ACRA} System as a matter of fact is something where individuals engage in a kiosk and actually do all of that manual process that presently occurs with the recording of land based instruments including the cover sheet and the supporting state required TP, the RP, lower the mortgage instruments, anything that you have to as far as your aps. All of that is entered online in the first instance.

It's proved by the system itself. It default set, so there has to be 100% completion of the instruments before acceptance. Then there's acceptance, which allows for electronic uploading into the Clerk's system. And in essence, it should for all intents

and purposes, relieve to a much greater degree the requirement of manual scrutiny of the instruments and that reject process. That reject process out in the Clerk's Office now is as high as 40 to 45% of all instruments submitted in the first instance. So while I think this will be permissive in it's inception, as time goes forward, as {ACRA} did we're it move to mandatory, this will relieve the rejects substantially and will cure a lot of those secondary issues associated with the stale•dated checks and some of the other things that go along with real property practice.

CHAIRMAN D'AMARO:

Thank you. That's a very good explanation. So it is similar to the {ACRA} System that we're seeing in New York?

LEG. KENNEDY:

Absolutely. As a matter of fact, there's been extensive dialog over the last 24 months between the IT staff out in the Clerk's Office and the •• both the vendor who performed the program in the City. As a matter of fact, File Net is one of vendors associated with the City's program, which is also the vendor that supplies the scanning software for the Suffolk County Clerk's operation as well. So there's a lot of benefit to be derived from the City's experience with rolling this out, all the bumps and lumps that occurred in the first instance. A lot of those kinks have been out. That's all I know and there's the benefit in the Clerk's office with that application.

CHAIRMAN D'AMARO:

Okay.

LEG. MYSTAL:

You understand all that?

CHAIRMAN D'AMARO:

Sounds like a dark horse candidate for County Clerk.

LEG. MYSTAL:

You confused the hell out of me.

CHAIRMAN D'AMARO:

The only consequence of the { ACRA } System was that a lot of folks who normally hand write the docs are not using the system. The title companies are doing it and charging a hefty fee to do it.

LEG. KENNEDY:

Which is an unfortunate side affect, but I think in an effort to go ahead and institute technology that's where the City registrars had to go to as demanding. And there's also a software that's been made available to practitioners so that they can go ahead an preload on their own in•office systems.

LEG. MYSTAL:

That's it, Jack. That's what I need. You keep going, I'm going to vote no.

CHAIRMAN D'AMARO:

All in favor? Opposed? There is a motion to approve pending. All those in favor? Opposed? Abstentions? The motion is **APPROVED (VOTE:6•0•0•0)**

1749, (A Local Law amending the procedure for disposition of property acquired through the Suffolk County Tax Act).

I'll offer a motion to table pending a public hearing.

LEG. MONTANO:

On the motion, though. Ben. We've received an e•mail indicating that there was some objection •• not objections, but some recommended changes to the ••

MR. ZWIRN:

Some minor language changes in the whereas clauses.

LEG. MONTANO:

In the whereas clause, right. Once we resolve that, do you have any particular problems with the bill.

MR. ZWIRN:

I don't believe so.

LEG. MONTANO:

I think we've reached agreement on the whereas, we just didn't get the amendment in on time.

MR. ZWIRN:

It's our fault. We apologize. We appreciate you're being patient with us.

LEG. MONTANO:

I thought it was my fault, but you can take the blame.

CHAIRMAN D'AMARO:

There's a motion to table pending the public hearing, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

TABLED (VOTE:6•0•0•0).

1792, (A Charter Law to ensure a non•partisan, fair, and objective process by which Legislative Districts are reapportioned).

This also requires a public hearing. I'll offer a motion to table on that basis, seconded by Legislator Montano. All in favor? Opposed? Abstentions? **TABLED (VOTE:6•0•0•0).**

1793, (A Local Law prohibiting the impermissible use of copyrighted materials on County owned or operated facilities).

LEG. MYSTAL:

It's going to be tabled, but I just wonder what it does. Sounds weird.

MR. ZWIRN:

It's something we're examining. There have been some inquiries about music in the parks and about bands using music and not be copyrighted. Their agents •• it's on a national basis, and we're trying to get a handle on it so that we don't wind up banning music in the parks. That would be a bad thing. So the Parks Department and the Law Department is starting to •• it's a very.

LEG. MYSTAL:

All righty then.

MR. ZWIRN:

We'd like to table it so we can review it.

CHAIRMAN D'AMARO:

I'll offer a motion to table, seconded by Vice•Chair Mystal. All those in favor? Opposed? Abstentions? **TABLED (VOTE:6•0•0•0).**

1797, (Repealing in part Resolution No. 1010•1972 and lifting the ban imposed thereby on all assignments of real property tax liens by the County of Suffolk to third parties so as to permit assignments to third parties of those tax liens acquired by the County of Suffolk on properties commonly referred to as brownfield properties).

CHAIRMAN D'AMARO:

I'll offer a motion to approve.

LEG. MYSTAL:

Seconded.

CHAIRMAN D'AMARO:

Seconded by Vice•Chair Mystal. On the motion.

LEG. KENNEDY:

On the motion.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

I've read this bill, and actually I've been advocate for vending the tax liens for anything other than residential properties for quite some time. I believe it's an area that's right for opportunity for us here and •• but I have a technical question. I guess it just goes to the caption. I'm not certain whether this bill would allow to County to actually vend those liens on the brownfields, or are we actually acquiring and assigning? And if we are, I'd ask why. Can anybody answer that one?

CHAIRMAN D'AMARO:

Perhaps George.

MR. NOLAN:

What's the question exactly.

LEG. KENNEDY:

I tried that yesterday, and they gave me about half an hour of non answer. Here's my question. Does this bill direct the County to waive its right of first •• I don't want to say first refusal •• first acquisition and allow for the private sector to acquire the tax liens, or is the County acquiring and assigning?

MR. NOLAN:

Acquiring the tax lien, then assigning it.

LEG. KENNEDY:

Okay. My question to the sponsor, why are we acquiring at all?

LEG. MYSTAL:

I think we're acquiring because they're being abandoned by the entities who own them, I think. I think we are basically assigning them to the towns so they can apply for brownfields money.

LEG. KENNEDY:

Conceptually that may be close, but I think technically under the Tax Act what's happening is it is a permissive action on the part of the County as to whether or not they take the tax lien in the first instance. If they do not take, then the private sector can go ahead, bid on it and acquire the tax lien at whatever the market will bear.

LEG. MYSTAL:

I may have a solution. Ben, is it possible that on Tuesday, if let it out •• we can discharge it, and then on Tuesday, can the County Executive come up with some better answers because ••

CHAIRMAN D'AMARO:

Well, you know what? There is a representative from the County Attorney's Office here, Ms. Bizzarro.

LEG. MYSTAL:

Ms. Bizzarro, do you know anything about this? Could you clarify? I'm not talking about confusing me even more, but could you clarify it?

LEG. KENNEDY:

Mr. Chair, I'm going to ask that we table it then, because to be candid with you, I think ••

LEG. MYSTAL:

She may have something.

MS. BIZZARRO:

Actually, I apologize. Lynne Bizzarro, County Attorney's Office. I have not reviewed this resolution. But I'm trying to understand the distinction that Legislator Kennedy is making. Is it that you're saying are we first taking it and then giving it, or, I mean, are you looking to do something else, in other words, not even take it and just put it on the market and let it go out to sale for whatever the market will bear?

LEG. KENNEDY:

My question is under the Tax Act, under the Suffolk County Tax Act, which we all know we operate under, correct?

MS. BIZZARRO:

Correct.

LEG. KENNEDY:

This bill appears to have the County exercise its option to acquire in the first instance, which is a right better than all others, and then assign to parties in the private sector. My question is why if it is our policy, intention or philosophically

we're electing to have these brownfields tax delinquencies move into the private market, why are we entering in the first instance? We do not have to. We can waive our right of acquisition and allow the tax liens to go out to the private sector in the first instance. I would say I see no reason for us to be a part of it if we are deciding that we are not going to exercise. It's not mandatory for us to do that.

MS. BIZZARRO:

That's not a legal issue.

LEG. MYSTAL:

Ms. Zielenski may have an answer.

MS. ZIELENSKI:

In the Fifth Whereas it says it may not be in the interest of the County to acquire title.

LEG. KENNEDY:

The explanation, I guess, is helpful, but as you know, the Whereas is explanatory only, not binding. The only thing that we really do when we effect law is go into the Resolves. Mr. Chair, listen, I apologize. I don't want to take up the committee's time. But I think it is ••

MR. NOLAN:

We're not taking title to these properties.

CHAIRMAN D'AMARO:

The Resolved Clause, the Second Resolved Clause ••

MR. NOLAN:

We're taking the tax lien, but not the deed. We're not completing the taking. We're assigning the tax ••

LEG. KENNEDY:

Nor did I think we were. I appreciate that. But what I'm saying is we are making a decision to continue to be a party in this transaction when, in fact, we do not have to be a party at all under the Tax Act, and we can allow for the lien ••

LEG. ROMAINE:

We don't need the resolution.

LEG. KENNEDY:

•• to move right out into the private sector. So my question goes to •• I would request that it be tabled just one cycle. And I'll make it my business to go ahead and reach out to the County

Attorney's Office to get answer on it.

LEG. MONTANO:

I'll second the motion. And I also would like to get some further information on this. And we're going to table it at this point for one cycle so that we can resolve some of those questions.

MS. BIZZARRO:

I would say, though, as the resolution reads currently, the County is not taking title to this property.

LEG. MYSTAL:

What I would like to do to the resolution really instead of tabling it is discharge it without recommendation and on Tuesday have a full blown out discussion on it.

CHAIRMAN D'AMARO:

I agree.

LEG. MONTANO:

I don't think it's enough time to really answer some of the questions I have.

LEG. KENNEDY:

I would suggest to you that that Suffolk County Tax Act is not a simple scheme, as you well know from personal experience. And so I think that for my own sake, certainly with Legislator Montano's suggestion, I think it's important that we get from the County Attorney's Office the philosophical decisions underlying what's being put forward for us within the body of the resolution.

CHAIRMAN D'AMARO:

Let me make a suggestion. The County Attorney is scheduled to come in here any minute on another matter that the committee is going to be taking up at the end of this session. So perhaps we can just hold this in abeyance and ask our questions, and if we're not satisfied, then we'll consider the tabling motion.

LEG. KENNEDY:

You want to pass over it. That's an alternative.

LEG. MONTANO:

Can I ask a question of the Commissioner first before you do that. If you recall, there were two bills passed, I think, last year. One is on the liberty plating, and the other one is on {Mackensi} Chemical Plant. These are both properties that have brownfields in my district. We are working to try to develop those properties. Would this bill include those two parcels?

LEG. MONTANO:

You think the answer is yes. I can see it on your face.

MS. ZIELENSKI:

I think the bill would include anything that ••

LEG. MONTANO:

Okay. I'm going to move that we table this for one cycle. If the Chairman wants to wait for the County Attorney, that's fine.

MS. BIZZARRO:

Without doing this resolution, the County then would normally just get title to this property. What this allows •• you cannot •• the County has to take the certificate.

LEG. MONTANO:

Is there an emergency on this resolution? Is there something that I'm not aware of that we need to ••

CHAIRMAN D'AMARO:

Yeah. We have lots of brownfield properties that need to be cleaned.

LEG. MONTANO:

•• do immediately within the next two weeks? Is there something pending that I'm not aware of that we need to do within the next two weeks?

CHAIRMAN D'AMARO:

No.

LEG. KENNEDY:

So then, mr. Chair, again, I guess, I'll restate my motion to table, notwithstanding the fact that the County Attorney is coming to see us. I personally would feel more comfortable with an opportunity to understand this better.

LEG. MONTANO:

It's just two weeks.

LEG. MYSTAL:

Who made the motion? Motion to table by Legislator Kennedy, seconded by Legislator Montano.

CHAIRMAN D'AMARO:

Let's call the vote on the motion to table. All those in favor? Opposed? I oppose. Any abstentions? **TABLED (VOTE:5•1•0•0 • Opposed, Legis. D'Amaro).**

Moving on with the agenda, next is **1811, (Approving payment to General Code Publishers for administrative code pages).**

By the way, these are Introductory Resolutions. Okay. I'll offer a motion to approved and place on the Consent Calender, seconded by Legislator Mystal. All those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1813, (Authorizing certain technical corrections to Adopted Resolution No. 169•2006).

LEG. MYSTAL:

Motion to approve an put on the Consent Calender.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to approve and place on the Consent Calender. I'll second. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1820, (Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Leslie Ann Hogan, executrix of the estate of Francis Leo Hogan, Jr., a/k/a Francis L. Hogan, executrix of the estate of Lillian Foss, and executrix of the estate of Loretta H. McEntegart (SCTM No. 0200•983.50 • 02.00•001.000).

This is a 16, Ms. Zielenski?

MS. ZIELENSKI:

As•of•right redemption. And there are several from the same family, where there were a series of deaths that put all those names in there. All of the real estate issues on the agenda today are as•of•right redemptions.

LEG. MYSTAL:

So we can proceed fast.

CHAIRMAN D'AMARO:

I'll offer a motion to approve and place on the Consent Calender, seconded by Legislator Montano. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1821, (Authorizing the sale, pursuant to Local Law 16

• 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Leslie Ann Hogan, executrix of the estate of Francis Leo Hogan, Jr., a/k/a Francis L. Hogan, executrix of the estate of Lillian Foss, and executrix of the estate of Loretta H. McEntegart (SCTM No. 0200•983.50 •02.00•002.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0)**

1822, (Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Stephen Woodland and Pamela Woodland, his wife (SCTM No. 0102•004.00•01.00 •015.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1823, (Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Leslie Ann Hogan, executrix of the estate of Francis Leo Hogan, Jr., a/k/a Francis L. Hogan, executrix of the estate of Lillian Foss, and executrix of the estate of Loretta H. McEntegart (SCTM No. 0200•980.70 •01.00•030.000).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1824, (Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act James O. Carey and Debra A. Carey, his wife (SCTM No. 0300•019.00•10.00 •027.000)).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1825, (Authorizing the sale, pursuant to Local Law 16 • 1976, of real property acquired under Section 46 of the Suffolk County Tax Act Laurence Louis Lambiase and Bonita D. Lambiase, his wife (SCTM No. 0800•077.00 •04.00•031.002)).

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:6•0•0•0).**

1856, (Authorizing certain technical corrections to Adopted Resolution No. 523•2006, which amended the 2006 Operating Budget to transfer funding for the Suffolk Community Council Transportation Advocacy Program).

LEG. MYSTAL:

Is that the one that had to do with •• that I voted against that had to do with the guy that called me so many times?

MS. VIZZINI:

We put the guy in the wrong appropriation.

LEG. MYSTAL:

Motion to approve.

MR. BEEDENBENDER:

The bill was vetoed and it was never overridden, so you can't amend a bill that was vetoed.

LEG. MYSTAL:

It has to be resubmitted.

MR. BEEDENBENDER:

It has to be resubmitted. You cannot amend the bill because it was vetoed. It was vetoed after the meeting, so you would have had to call a Special Meeting. So it's dead.

LEG. MYSTAL:

It has to be reintroduced as a new resolution.

CHAIRMAN D'AMARO:

So it's not properly before us.

MR. Beedenbender:

This is amending the original bill.

CHAIRMAN D'AMARO:

And the original bill had been vetoed, and that veto was not overridden. So this bill is amending something that doesn't exist.

LEG. MYSTAL:

Somebody has to put a new bill in.

LEG. MONTANO:

Strike this from the Calender.

CHAIRMAN D'AMARO:

All right. Our Counsel is going to take a look at this. So at this time, I'll offer a motion to table, is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

All in favor? Opposed? **TABLED (VOTE:6•0•0•0).**

1871, (Authorizing a certain technical corrections to Adopted Resolution No. 633•2005).

Our Counsel, Mr. Nolan, would like to comment on this.

MR. NOLAN:

I'm just directing this more or less to the County Executive's Office. This is framed as a technical correction. It's not •• it does more then a typical technical correction resolution does, in that the original resolution, this accepted a donation of property indicating no cost to the County. This resolution accepts a donation of property, but also states there's going to be expenses to the County for appraisals and surveys and so forth. So it goes a little more then a technical correction. It shouldn't have come this way. I think the committee can approve it and move it, but going forward, it should be framed a different way.

LEG. ROMAINE:

Motion to table.

CHAIRMAN D'AMARO:

There is a motion by Legislator Romaine to table this resolution, is there a second on that motion?

LEG. KENNEDY:

I'll second.

CHAIRMAN D'AMARO:

Seconded by Legislator Kennedy. All those in favor? Opposed?

LEG. MYSTAL:

Opposed.

LEG. STERN:

Opposed.

CHAIRMAN D'AMARO:

Opposed.

LEG. MONTANO:

Opposed.

CHAIRMAN D'AMARO:

Tabling fails.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to table does not carry.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

I'll offer a motion to approve, seconded by Legislator Mystal. And I appreciate our Counsel pointing out that this may go somewhat beyond a technical correction, but the fact is the bill speaks for itself. If it's more than a technical correction, at least we know what it is in the bill. In the future, I would ask that the

County Executive's be mindful of the comments made by our Counsel and heed ••

LEG. MYSTAL:

In the future we will table it.

CHAIRMAN D'AMARO:

Do not make substantive corrections to the bill using the word technical correction, and I think the point was well made. All right. Motion to approve, seconded by Legislator Mystal. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

LEG. ROMAINE:

Opposed.

CHAIRMAN D'AMARO:

APPROVED (VOTE:4•2•0•0 • Opposed, Legis. Romaine and Kennedy)

1876, (Amending Resolution No. 1363•2005 which authorized the Suffolk County Executive's Office to be the signatory on all Environmental Restoration Program grant related documents).

LEG. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Montano, is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. All in favor? Opposed? Abstentions? **APPROVED (VOTE:6•0•0•0).**

Next item on the agenda before we break is there has been a request by one of members of this committee, Legislator Romaine, to ask some questions of the County Attorney on a particular subject matter that interests him. As chair of this committee, I would always welcome those type of requests, and of course, would seek to grant them any time time permits and it's within the jurisdiction of this committee. So with that said,

is the County Attorney here, Ms. Bizzarro.

MS. BIZZARRO:

She'll be here momentarily.

CHAIRMAN D'AMARO:

We'll take a five minute break and then we'll come back as soon as she gets here.

(* A RECESS WAS HELD FROM 11:48 A.M. UNTIL 11:59 A.M. *)

CHAIRMAN D'AMARO:

The Ways and Means Committee has now reconvened. We've completed our agenda. And at this time, as I mentioned prior to the recess, Legislator Romaine did request the County Attorney appear to discuss some issues of concern to himself. So Legislator Romaine •• first, I want to welcome the County Attorney and thank you for being here this morning. And with that said, I'll turn the proceedings over to Legislator Romaine.

LEG. ROMAINE:

Thank you very much, Mr. Chairman. And I have had some correspondence with the County Attorney in two telephone conversations with her as late as Monday outlining all of the

questions that, in fact, I'm going to raise. In fact, I had a conversation with Ben Zwirn who expressed some concern over this on behalf of the County Executive. And I've also outlined for Ben Zwirn some of the questions that I was going to raise. And I appreciate the County Attorney's presence.

Let me start •• I just have a series of questions. This is not in any way adversarial. I'm certainly not interested in debating the County Attorney, but just asking questions on the record concerning outside Counsel for Workman's Comp. Who currently serves as the outside Counsel for Workman's Compensation cases?

MS. MALAFI:

Vecchione and Vecchione.

LEG. ROMAINE:

Thank you. How long have they been serving?

MS. MALAFI:

April 18th of this year.

LEG. ROMAINE:

Who represented the County previously?

MS. MALAFI:

A law firm by the name of Cherry•Edson.

LEG. ROMAINE:

Cherry, Edson and Kelly?

MS. MALAFI:

Yes.

LEG. ROMAINE:

How long have the •• prior to April 17th or 18th, how long did Cherry, Edson and Kelly represent the County?

MS. MALAFI:

Well over 20 years.

LEG. ROMAINE:

Well over 20 years. Was this contract that went to Mr. Vecchione awarded by RFP?

MS. MALAFI:

Not by traditional RFP, no.

LEG. ROMAINE:

Okay. Let's go back to, I guess, it's Cherry, Edson and Kelly. Did the contract that they were operating under, did they have an option to extend that contract?

MS. MALAFI:

They did not have the option, the County has the option.

LEG. ROMAINE:

The County had an option?

MS. MALAFI:

Absolutely.

LEG. ROMAINE:

Why was that option not extended.

MS. MALAFI:

Because I felt that I needed to relook at my Worker's Compensation Counsel. And during the Year 2004 and 2005, I had made three phone calls to Cherry•Edson, and they went unreturned. And I can't have outside Counsel representing the County that don't return my phone calls.

LEG. ROMAINE:

I wish I could get all the return telephone calls from your office, particularly from Lynne Bizzarro when I ask questions, but let me move on. So this contract was awarded to Vecchione and Vecchione by an RFP?

MS. MALAFI:

Well, first, I would just like to say that Lynne was on vacation, so it's hard to return phone calls when you're on vacation. My office is very responsive. If you don't get a return phone call within a few days, there's usually a reason why. We always return phone calls. I'm talking about outside Counsel that is being paid by the County of Suffolk whose job it is to answer to me as the County Attorney not returning phone calls. It's completely •• not ever returning phone calls •• it's unacceptable.

LEG. MONTANO:

Mr. Chairman, may I make a point of order to Legislator Romaine. I just want to know why we're •• you know, why we're here and what this is about. If we could cut to the chase, because I have to apologize, I do have a meeting. This wasn't on the agenda. I have no idea what you are talking about or why we're talking about it.

LEG. ROMAINE:

Let me get into some of that. In the next few questions, we'll get into that.

LEG. MONTANO:

Could you just explain before you cross examine our County Attorney or direct, whatever you are doing.

LEG. ROMAINE:

I'm just asking questions. I'll be happy to put this on the record as some of my concerns. One, the Cherry, Edson and Kelly Firm representing the County for 23 years, and I'm sure there's a reason why they weren't ••

LEG. MYSTAL:

Yeah. We have a new County Executive.

LEG. ROMAINE:

The County Executive actually awarded the RFP to them in 2004. So that is not the case. There was an RFP in 2004 and it was awarded to ••

MS. MALAFI:

The County Attorney awarded it.

CHAIRMAN D'AMARO:

Excuse me. Excuse me. Let's go one at a time, one at a time.

LEG. ROMAINE:

You want an explanation?

LEG. MONTANO:

Yes. All I want is an explanation as to why we're here and what this is about.

CHAIRMAN D'AMARO:

We're going to have order. We're going to have order here.

LEG. MONTANO:

Sorry, Mr. Chairman.

CHAIRMAN D'AMARO:

We understand and appreciate that everyone has a schedule. Legislator Romaine has the floor. Please, go ahead.

LEG. ROMAINE:

I'll be happy to answer Legislator Montano's •• I was going to bring it out through questions, which I think would be better explained by the County Attorney, but very simply, it was brought to my attention that there was an RFP Committee. This RFP Committee •• an RFP was put out for independent counsel. Two firms responded. The RFP Committee was an independent evaluation. In previous times, up until 2004, the RFP Committee made the award. The award was given to those who scored the highest points. If I'm not mistaken, Vecchione and Vecchione scored 78 point something while Cherry, Edson and Kelly was scored by the committee at 93 point something. But there was a change in 2004, and the RFP Committee did not make the award, the County Attorney did.

Obviously why would you award to those who scored the lowest and not the highest? And then there was a memo from the Chief Deputy County Executive Paul Sabatino that I was shown dated May 30th, remember, this contract was supposed to be signed at the beginning of April, where the County •• Chief Deputy County Executive refused to sign the contract or execute the contract stating a whole bevy of laws for his refusal. Then I raised a question with the County Comptroller whether Vecchione and Vecchione were being paid. Immediately after raising those questions, on July 17th, the Chief Deputy County Executive Paul Sabatino signed the contract after a written memo stating all of his legal reasons why he would not sign the contract.

So that raises to my mind some question concerning the RFP process and how the lower scorer was awarded. Now, when I spoke to the County Attorney, she said there were reasons for all of this. And all I said, and I didn't want to get into it in this fashion, because I wanted to get into it by asking the County Attorney to place on record her reasons for that. And I can just finish up my questions by going to that point and allowing the County Attorney on record in a nonadversarial situation to place this on record as to why these events occurred and just clear up what on the face of it seems puzzling.

CHAIRMAN D'AMARO:

Legislator Romaine, I counted three specific areas of concern. I think that it would be only fair at this point to allow the County Attorney a similar opportunity to respond and then we will go to any comments or questions Legislators may have.

MS. MALAFI:

Under the Suffolk County Charter, Section C16•1, the County Attorney chooses outside Counsel. Why RFPs were done in the past, I don't know. The Charter gives me the power to appoint outside Counsel. In 2004, when I came into office, we did an RFP with a specific provision pursuant to the Charter saying that the RFP committee's recommendation was advisory only and that it was my choice.

In 2004, in response to the RFP for Worker's Comp, Cherry, Edson and Vecchione and Vecchione both submitted responses, and I chose Cherry•Edson based upon the past relationship and based on the fact that their pricing looked lower despite the fact that I am not bound by lowest legal prices, because it's very

important •• for professional services, the lowest price is not what you want, you want the best legal representation that the County can have.

CHAIRMAN D'AMARO:

Ms. Malafi, are you saying that the RFP itself expressly stated that it's advisory only?

MS. MALAFI:

Absolutely. Both parties knew.

CHAIRMAN D'AMARO:

And also that in response to the first RFP that was advisory, only the Cherry•Edson Firm was chosen?

MS. MALAFI:

I awarded the contract to Cherry•Edson in 2004.

CHAIRMAN D'AMARO:

Okay. Please, go ahead.

MS. MALAFI:

From that point in 2004 on, until the second RFP was issued in 2005, I called Cherry•Edson on three occasions, just the way I do with all of my outside Counsel when I have a specific legal question that a specialized firm that I'm already paying would know the answer to off the top of their head. They didn't return any of my three phone calls.

CHAIRMAN D'AMARO:

Does that happen with other outside Counsel?

MS. MALAFI:

Absolutely not, ever. In 2005, when the contract was expiring with Cherry•Edson, we did a second RFP for Worker's Compensation Counsel with the same provision that pursuant to the Suffolk County Charter, the RFP Committee was advisory only. Both Cherry•Edson and Vecchione and Vecchione knew that, because it was in the RFP that they received.

I received the RFP committee's evaluation and realized immediately why professional services are chosen outside the RFP Committee, not just attorneys, but all professional services can be done outside the RFP process. The RFP Committee made two mistakes. The first mistake was that they found Cherry •Edson to be much more qualified than the Vecchione and Vecchione Firm, which is simply not the case. The Vecchione and Vecchione Firm, if you looked at their resume, which was part of their RFP response, has representing so many municipalities for so many years, as long as the Cherry•Edson Firm has represented municipalities.

The Vecchione Firm has represented the County of Nassau for many, many years in its Worker's Comp field and other school districts and other municipalities. They are very well qualified. The fact that the RFP Committee scored the Vecchione Firm at a 63.3 and the Cherry•Edson Firm at 77.4 is completely •• is wrong.

Also, with respect to the scoring that was for the cost proposal, the RFP Committee found the Cherry•Edson Firm to have scored, a maximum of 20, a 15.7 and they found Vecchione and Vecchione to have a 15.3. That's also wrong, because when you prepare the cost proposals from each of the firms, they were not identical. So while the monthly charge by the Cherry•Edson Firm seemed lower than the monthly charge by the Vecchione Firm, the Vecchione Firm's monthly charges included depositions and pretrial conferences, which the Cherry•Edson Firm's proposal did not.

CHAIRMAN D'AMARO:

So are you saying that the Vecchione Firm had similar experience from the other applicant, and also based on your analysis of the response, was a better deal for the County and more bang for our buck?

MS. MALAFI:

Absolutely. We will probably wind up saving about \$20,000 a year.

CHAIRMAN D'AMARO:

Okay. Go ahead, please.

MS. MALAFI:

I had researched the amount of the extras, pretrial hearings and the depositions, that the Cherry•Edson Firm had charged. So despite its \$90,000 yearly cost under the proposal, the year before they had charged about \$30,000 extra. So their actual yearly cost was \$120,000 as opposed to the Vecchione Firm's yearly cost of about 110 a year.

CHAIRMAN D'AMARO:

So are you saying that when you respond to an RFP, if you do not disclose the additional costs or extras, you can actually exceed what your response indicated?

MS. MALAFI:

Well, Cherry•Edson did disclose it, because their cost proposal said a certain amount per month plus additional costs for depositions, pretrial hearings, appeals and subpoenas. The Vecchione Firm's response said a monthly cost plus only for appeals and subpoena fees.

CHAIRMAN D'AMARO:

All right. And do you want to respond to Legislator Romaine's comments regarding the actions of the Chief Deputy County Executive?

MS. MALAFI:

Yes, because I feel that they impugned on my selection process, so I would. Paul Sabatino does not sign contracts that are not properly entered into, I think everybody knows that. When this was done, he got it and he got the RFP Committee sheet and said he wouldn't sign it, because it didn't match up with the scoring. So despite the fact that it was not in my opinion an actual RFP and it was advisory only, I went through the statutory process that's contained in the Suffolk County Code for overriding the RFP Committee by explaining in writing to Mr. Sabatino why the scoring was incorrect. And based upon those writings from me to him, he signed the contract.

CHAIRMAN D'AMARO:

Okay. All right. Next on the list was Legislator Mystal.

LEG. MYSTAL:

I must commend the Chair of this Committee, and I must commend the County Attorney for coming here and wasting my time on this bull. I really think that somehow somebody •• not somebody, Ed Romaine, Legislator Romaine, for some reason wanted to have this. I do not understand why you are wasting my time on something that's clearly in the purview of the County Attorney and I'm sitting here. So I'm going to make a motion that we adjourn this dumb meeting.

LEG. MONTANO:

Could I make a comment before you do that?

CHAIRMAN D'AMARO:

Sure. Legislator Montano.

LEG. MONTANO:

Yeah. I would •• actually, I think Elie expressed exactly what I was thinking. I appreciate your coming here, but I don't understand why you •• why you're here having to justify actions that you took which are particularly in your purview. Number two, I have •• I feel there's a lot the innuendo, I said that earlier, there are a lot of innuendos in the comments that were made with respect to this. But quite frankly, I personally feel sandbagged, because I had no idea that you were coming here to discuss this issue. I don't think this is the appropriate forum to present these issues.

I would have liked an opportunity to know what it was you were going to discuss before you get here. And quite frankly, I would have recommended that you not waste your time coming here. You've got other things to do. I would agree with Legislator Mystal, and I will second a motion to adjourn this meeting at this time.

MS. MALAFI:

Can I say something before you do that?

LEG. MONTANO:

Sure. You're here.

MS. MALAFI:

The reason I'm here is because I was requested to be here by one of my Legislators and I have nothing to hide, and there was nothing wrong with this process. I tried to explain that over the telephone to Legislator Romaine on Monday, and he said he wanted done in an open forum. I have nothing to hide, and I'm not going to argue with him and not show up here.

LEG. MONTANO:

I've heard enough.

CHAIRMAN D'AMARO:

And before you go, I just want to also comment that I am not going to express an opinion as to whether or not we should be here. I felt my role in this process as Chair of this Committee was to always lean over to grant any request from any Legislator to ask questions ••

LEG. MYSTAL:

Within reason.

CHAIRMAN D'AMARO:

Okay. Within reason, and that's a subjective criteria. But I felt as Chair of this Committee that perhaps, you know, I'm going to lean in error in favor of permitting the open discourse. So we're getting close to •• there's a motion pending. Legislator Romaine, anything you want to add?

LEG. ROMAINE:

Yes. First of all, I want to express my thanks to the Chairman and the County Attorney, but then I want to go on to say that I requested some information that I have yet to get. I certainly wasn't made privy to the letter that the County Attorney sent to Paul Sabatino. I had the same •• for those who express doubt and didn't understand what this was about, I believe as Chairman of this Committee, you sent every member of this committee a letter about what this was about. So that to me is just kind of odd. I had the same questions that Paul Sabatino had when he refused to sign this contract on May 30th.

MR. ZWIRN:

Did you call Paul Sabatino at any time? Did you request him to be here today? I'm just saying.

LEG. ROMAINE:

I think I have the floor.

MR. ZWIRN:

This is nonsense.

LEG. KENNEDY:

Give me 30 seconds.

CHAIRMAN D'AMARO:

Let's have order. One at a time.

LEG. KENNEDY:

Thirty seconds.

CHAIRMAN D'AMARO:

Legislator Kennedy, go ahead, please.

LEG. KENNEDY:

Thank you. I've listened to the discourse. I will agree that it is the prerogative of the County Attorney to go ahead and elect to seek outside Counsel. I'm intrigued with the decision making process, though, because I know that Cherry•Edson has been Counsel to the County for approximately 20 years. The pricing

aspect associated with this and whether or not Vecchione yields the same kind of track record that we had with Cherry•Edson, I say still remains to be seen.

You are confident that we will get as good as if not better representation from Vecchione than we have had with Cherry•Edson. Cherry•Edson had a long standing relationship. The things that are missing from this are the volume of dispositions, the favorable dispositions and some of the other aspects that go into the decision making process. It's not necessarily my role to go ahead and question each and every one of those items, but it is my responsibility to be cognizant of expenditures and prudent expenditures and whether or not at the end of the day saving 10,000 yields us the same kind of positive results that we're seeking on the management side, because let's face it, let's make no mistake about it, we retain Counsel to protect the interest of the County, which is not necessarily the interest of the injured party. So those are the things that are not here. I'm not necessarily going to ask for them right now, but they do play into this heavily.

CHAIRMAN D'AMARO:

Okay.

LEG. MYSTAL:

Would you all please know one thing, there's a new Sheriff in town. Let's go home.

CHAIRMAN D'AMARO:

Okay. Before we adjourn, I'd like to thank the County Attorney for appearing today and answering those questions. Thank you, Legislator Romaine for staying on topic. All in favor of the motion? Opposed? We are adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 12:19 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY